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(g) This amendment becomes effective on May 23, 1995.

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James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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Coast Guard

33 CFR Part 117

[CGD02-95-001]

RIN 2115-AE47

Drawbridge Operation Regulation; Illinois Waterway

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is finalizing operation conditions for the remote operation of the Elgin, Joliet and Eastern Railway (EJ&E) Bridge over the Illinois Waterway at mile 290.1, at Lockport, Illinois. This action was taken at the request of the Elgin, Joliet and Eastern Railway Company. The change to remote operation permits more efficient operation of the railway bridge, while continuing to provide for the reasonable needs of navigation.

EFFECTIVE DATE: May 18, 1995.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the offices of the Commander, Second Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, Attention: Bridge Administrator, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, (314) 539-3724.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are David H. Sulouff, Project Officer, Bridge Branch and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

Regulatory History

On September 1, 1994, the Coast Guard published a proposed rule (59 FR 45252) concerning this amendment. The Commander, Second Coast Guard District, also published the proposal as a Public Notice dated September 20,

1994. Interested parties were given until October 31, 1994 to submit comments. The Coast Guard received comments from the Illinois Department of Conservation and the Illinois River Carriers Association, representing approximately 34 river towing companies. On February 24, 1995, the Coast Guard published an interim rule (60 FR 10315) concerning this amendment with a comment closing date of April 25, 1995. No comments were received in response to this interim rule. A public hearing was not requested and one was not held.

Two minor changes have been made to the final rule from the interim rule. The interim final rule stated that the remote operator made marine broadcasts warning of the drawbridges closure on channel 16. In this final rule, reference to channel 16 was eliminated because the marine broadcast frequencies are designated by FCC regulations and not by the Coast Guard. This final rule also increases the number of broadcasts that the remote operator will make after the drawspan is lowered and locked in the closed to navigation position, from two broadcasts to periodic broadcasts. This change will ensure that vessels approaching the bridge after the drawspan has been lowered will be notified that the draw is closed.

Good cause exists for making this rule effective upon publication. No comments were received during the interim final rule's 60 day comment period. The Coast Guard has monitored the remote operation during the 60 day test period. There were no equipment failures and no reported negative impacts to navigation. This rule allows the bridge to be left open unless rail traffic or maintenance requires its closure. Vessel traffic will benefit from this rule by having the bridge maintained in the open to navigation position. For these reasons the Coast Guard has determined that there is no need to delay implementation of this rule.

Background and Purpose

The Elgin, Joliet and Eastern Railway requested approval from the Coast Guard to change the operation of the EJ&E Bridge over the Illinois waterway at mile 290.1, at Lockport, Illinois, from on-site bridge operation to a remote operating system. This rule change establishes remote operating procedures with associated operating and equipment requirements on EJ&E that will ensure the safe and timely operation of the railroad drawspan.

EJ&E has installed remote operating equipment and a control system, including radar, infrared boat detectors,

motion detectors and communications equipment, to facilitate operation of the drawspan from Gary, Indiana. The drawspan can also be operated at the bridge site. The drawspan will be maintained in the open to navigation position except for the passage of rail traffic or maintenance. The equipment indicates any malfunction in the drawspan operation and allows the remote operator to ascertain the position of the drawspan at any time. The marine radio system allows communication between the remote operator and marine traffic at the bridge, on the VHF marine frequencies authorized by the Federal Communications Commission. A radar antenna has been installed on the bridge and the received signal is transmitted by fixed lines to the remote operator. The radar system is designed to scan upstream and downstream of the bridge. Infrared scanners and motion detectors are located in the channel drawspan to detect vessels under the drawspan. If an obstruction is detected beneath the drawspan during the closing cycle, before the drawspan is seated and locked, the drawspan will automatically stop lowering and shall be raised to the fully open position by the remote operator until the channel is clear. Once lowered and locked in the closed to navigation position, the boat detectors will not raise the drawspan.

During the drawspan closing cycle, the bridge operator shall make a radio broadcast indicating drawspan status. At the appropriate times in the cycle, the bridge operator shall announce that the drawspan will close to navigation, that the drawspan is closed to navigation, or that the drawspan has reopened to navigation.

Regulatory Evaluation

This rule is not a significant regulatory action under 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

After considering comments received, the Coast Guard finds that any impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under 605(b) of the Regulatory

Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environmental

The Coast Guard has reviewed the environmental impact of this rule and concluded that under section 2.B.2.g(5), (Promulgation of operating requirements or procedures for drawbridges) of Commandant Instruction M16475.1B, (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.395 is revised to read as follows:

§ 117.395 Illinois Waterway.

(a) The draws of the McDonough Street Bridge, mile 287.3; Jefferson Street bridge, mile 287.9; Cass Street bridge, mile 288.1; Jackson Street bridge, mile 288.4; and Ruby Street bridge, mile 288.7; all of Joliet, shall open on signal, except that they need not open from 7:30 a.m. to 8:30 a.m. and from 4:15 p.m. to 5:15 p.m. Monday through Saturday.

(b) The drawspan of the Elgin, Joliet and Eastern Railway bridge, mile 290.1 at Lockport, Illinois, is operated by remote operator located at the Elgin,

Joliet & Eastern offices in Gary, Indiana as follows:

(1) The drawspan is normally maintained in the fully open to navigation position displaying green center span navigation lights to indicate that the drawspan is fully open.

(2) The bridge is equipped with the following:

(i) A radiotelephone link direct to the remote operator;

(ii) A radar antenna on top of the drawspan capable of scanning the river, one mile upstream and one mile downstream;

(iii) Infrared boat detectors under the drawspan, to allow the remote bridge operator to detect vessels under the drawspan;

(iv) Electronic motion detectors under the drawspan to allow the remote bridge operator to detect vessel movement under the drawspan;

(v) A siren for sound signals; and

(vi) Red and green center span navigation lights.

(3) The remote bridge operator shall maintain a 24 hour VHF marine radio watch for mariners to establish contact as they approach the bridge to ensure that the drawspan is open or that it remains open until passage of river traffic is complete.

(4) When rail traffic approaches the bridge, and the drawspan is in the open position, the remote bridge operator initiates a one minute warning period before closing the drawspan. During this warning period, the remote operator shall broadcast at least twice, via marine radio, that: "The drawspan of the EJ&E Railroad bridge will be lowered in one minute." A siren on the bridge sounds for 20 seconds, to warn anyone on or under the bridge that the drawspan will be lowered.

(5) If a vessel is approaching the bridge upbound or, departing the Lockport Lock and Dam at mile 291.1, downbound, with intentions of passing through the drawspan, they shall respond to the remote bridge operators' marine radio broadcast, or initiate radio contact, indicating their proximity to the bridge and requesting an opening of the drawspan or that the drawspan remain open until the vessel passes. If any approaching vessel is detected or if a radiotelephone response is received, the remote operator shall not close the drawspan until the vessel or vessels have cleared the bridge.

(6) At the end of the one minute warning period, if no river traffic is approaching or under the drawspan, the remote bridge operator may begin lowering the drawspan. Navigation lights located at the center of the drawspan change from green to red

when the drawspan is not in the fully open to navigation position. The drawspan takes approximately 90 seconds to lower.

(7) If the presence of a vessel or other obstruction is discovered approaching or under the drawspan, during the lowering sequence, before the drawspan is fully lowered and locked, the drawspan shall be stopped and raised to the fully open position. When the vessel or obstruction has cleared the drawspan, the remote operator shall confirm that the channel is clear and reinitiate the one minute warning cycle before lowering the drawspan.

(8) If no marine traffic is present the drawspan may be lowered and seated. When the drawspan is lowered and locked in the closed to navigation position, the remote bridge operator periodically broadcasts, via marine radio, that: "The drawspan of the EJ&E Railroad bridge is closed to navigation."

(9) Failure of the radar system, radio telephone system, infrared boat detectors or electronic motion sensors shall prevent lowering the drawspan from the remote location.

(10) When rail traffic has cleared the bridge, the remote bridge operator shall raise the drawspan to the fully open to navigation position. When the drawspan is raised and in the fully open to navigation position, the remote bridge operator broadcasts, at least twice, via marine radio, that: "The drawspan of the EJ&E Railroad bridge is open to navigation." The center drawspan navigation lights change from red to green when the drawspan is fully open to navigation.

Dated: March 15, 1995.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard, Commander, Second Coast Guard District, St. Louis, MO.

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33 CFR Part 165

[COTP St. Louis 95–002]

RIN 2115–AA97

Safety Zone; Upper Mississippi River, mile 179.0 to 184.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 179.0 and 184.0. This regulation is needed to protect vessels from the hazards associated with operating in high water conditions. This regulation will restrict general navigation in the regulated area